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Date: July 22, 2008

To: United States Patent and Trademark Office
Examiner: Champagne, Donald; Art Unit: 3622

Fax: (571) 273-8300

Re: **Application Serial No.: 09/898,164**
Filing Date: 7/2/2001; First-Named Inventor: Haseltine
Attorney Docket No.: 0260123

From: Farjami & Farjami LLP

Number of pages including the cover sheet: 5

Message:

Enclosed please find the Reply Brief.

Thank you.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Haseltine, et al.**

Application Serial No.: **09/898,164**

Filed: **July 2, 2001**

For: **Processes for Exploiting Electronic
Tokens to Increase Broadcasting
Revenues**

Art Unit: 3622

Examiner: Champagne, Donald L.

REPLY BRIEF

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This is a Reply Brief under 37 CFR § 1.193 in response to the Examiner's Answer,
dated June 25, 2008.

Application Serial No.: 09/898,164
Attorney Docket No.: 0260123

REMARKS

Starting at Section 10, on page 5, of the Answer Brief, the Answer Brief provides arguments to rebut Appellant's remarks in support of patentability of claims 1, 2, 4, 8, 11, 38, 41-45, 58, 61, 65 and 68 over Lappington in view of Brusky.

In a first argument, the Answer Brief reads:

The appellant ignores the rejection and argues an irrelevant embodiment. The appellant (top of brief p. 8 of 10) cites col. 9 lines 5-7 in Lappington et al., which is not a relevant embodiment. The relevant embodiment was cited at first line of rejection para. 10:

“In an alternative embodiment, rather than using the VBI lines, interactive data could be transmitted using the audio portion of a television signal, luminance, digital packets, radio communication or other appropriate mediums.” (Lappington et al., col. 8 lines 53-57, emphasis added.)

Appellant respectfully submits that appellant has carefully studied the rejection and has not ignored the above-cited passage by the Examiner. However, as explained below, the above-cited passage simply describes a different part of the system than the invention of the independent claims of the present application.

It is respectfully submitted that the Answer Brief incorrectly points to the television signal broadcast end of the Lappington's description and presents that as an alternative embodiment, where that section describes preparation and transmission of the broadcast signal, and not reception and operations performed by a broadcast receiving appliance after reception of the broadcast signal. Appellant respectfully submits that the paragraph at col. 8, lines 46-57 of Lappington describes the preparation and transmission

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of the broadcast signal at the television broadcast end, e.g. preparation and transmission of satellite broadcast signals to the air. In contrast to Lappington's paragraph at col. 8, lines 46-57, independent claims of the present application are directed to the operations performed after reception of the broadcast signal, and not preparation and transmission of the broadcast signal via a satellite.

However, in subsequent paragraphs starting at col. 8, line 58 of Lappington, Lappington describes the functionality of the satellite receiver 26. Appellant respectfully submits that, for example, the following element in Appellant's claim 1:

emitting, by the broadcast receiving appliance, the audio signal including the token from the broadcast receiving appliance, wherein the token is emitted outside of a normal hearing frequency range of an acoustic spectrum of the audio signal (emphasis added)

is performed by the broadcast receiving appliance (e.g. broadcast receiving appliance 334 in the present application), and not by the television signal broadcast end (e.g. elements 12-20 in Lappington). It is respectfully submitted that Lappington does not show something akin to Appellant's claimed broadcast receiving appliance in Lappington's satellite receiver 26, however, Lappington's satellite receiver 26 does not emit an audio signal including a token outside of a normal hearing frequency range of an acoustic spectrum of the audio signal, nor does Lappington suggest a reason for any modification that would satisfy this element of claim 1, as explained in the Appeal Brief.

Moreover, in a second argument, the Answer Brief provides that:

The appellant's interpretation would not make practical sense to one of ordinary skill in the communication art. The appellant argues that Brusky et al. advocates operating within the range of hearing but at

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such a low amplitude (volume) so as to be inaudible. If a person can't hear the sound, how is the receiving device supposed to "hear" the sound? (emphasis added.)

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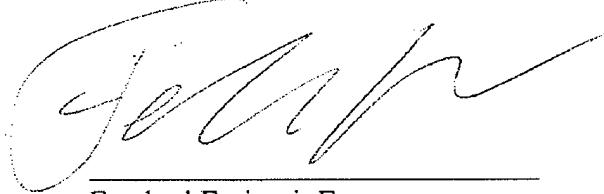
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Appellant respectfully submits that one of ordinary skill in the communication art does understand how to implement a device for detecting signal frequencies that are emitted outside of a normal hearing frequency range of an acoustic spectrum. Appellant respectfully submits that the interpretation of Brusky et al. proffered by Appellant is practical, and the most reasonable interpretation of Brusky et al.

CONCLUSION

Based on the foregoing reasons and the reasons stated in the Appeal Brief, Appellant respectfully submits that claims 1-2, 4, 8, 10-13, 38-45, 58, 61, 65 and 68 should be allowed.

Respectfully Submitted,
FARJAMI & FARJAMI LLP



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